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C.M.P.No.1780 of 2022
in
S.A.Nos.105/2008 & 1193/2009

G.JAYACHANDRAN, J.

This petition is filed to modify the earlier judgment of this Court dated 20.12.2016 passed in S.A.No.105 of 2008 and S.A.No.1193 of 2009. In the said Judgment, this Court has directed the Advocate Commissioner to inspect the disputed property along with the District Surveyor and to file a report along with sketch.

2. Now it is brought to the notice of the Court by filing a petition for modification that, the P.A. to the Collector, Nilgiris District has informed to the Advocate Commissioner that there is no District Surveyor post in the district of Nilgiris and the work of District Surveyor has been assigned to Pirka Surveyor, Taluk Sub-Surveyor, Taluk Deputy Surveyor and Inspector of Survey. The District Collector had deputed an Inspector of Survey and a Pirka Surveyor to assist the Advocate Commissioner to measure the disputed land. It is also brought to the notice of this Court that the Advocate Commissioner had measured the land and prepared a sketch as directed by this Court with the assistance of the Inspector of Survey along with Pirka Surveyor. His report is ready to be submitted before the Sub Court. Hence prays for modification of the



earlier judgment passed by this Court and substitute the Inspector of Survey instead of District Surveyor, since the Sub Court Registry is not receiving the report submitted by the Advocate Commissioner, who inspected the disputed land with the help of the Inspector of Survey along with Pirka Surveyor.

3. Considering the averments made in the affidavit and the letter of P.A. to the District Collector, who is the Assistant Director of land Survey, this Court is of the view that for the purpose of measuring the land, the competent authority has been substantially taken steps to carryout the necessary direction and therefore, the Sub Court is directed to receive the Advocate Commissioner's report along with the sketch prepared with the help of the Inspector of Survey and Pirka Survey and proceed further in accordance with law.

4. In the result, this Civil Miscellaneous Petition is allowed.

22.02.2022

Note: Issue order copy on 23.02.2022

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